

JAN 23 2015

---

# A BILL FOR AN ACT

---

RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1       SECTION 1. Chapter 206E, Hawaii Revised Statutes, is  
2       amended by adding a new section to part I to be appropriately  
3       designated and to read as follows:

4       **"§206E-    Developers to abide by representations and**  
5       **commitments.** A developer who proposes to develop lands under  
6       the authority's control and whose proposal is approved by the  
7       authority shall abide by all representations and commitments  
8       made in the permit application process."

9       SECTION 2. Section 206E-2, Hawaii Revised Statutes, is  
10      amended by adding a new definition to be appropriately inserted  
11      and to read as follows:

12      "Contested case" means a proceeding in which the legal  
13      rights, duties, or privileges of specific parties are by law to  
14      be determined after an opportunity for agency hearing."

15      SECTION 3. Section 206E-5.6, Hawaii Revised Statutes, is  
16      amended as follows:

17      1. By amending subsection (b) to read:



1       "(b) The authority shall issue a public notice in  
2       accordance with section 1-28.5 and post the notice on its  
3       website; provided that the decision-making hearing shall not  
4       occur earlier than five business days after the notice is  
5       posted. Public notice issued pursuant to this subsection for  
6       public hearings on the acceptance of a developer's proposal to  
7       develop lands under the authority's control shall state that any  
8       written motion to intervene as a formal party to the proceeding  
9       shall be received within [~~twenty days after the publication date~~  
10      ~~of the public notice.~~] thirty days after the first public  
11      hearing."

12       2. By amending subsection (i) to read:

13       "(i) The authority shall not approve any developer's  
14       proposal to develop lands under the authority's control unless  
15       the authority finds that the proposed development project is  
16       reasonable and is consistent with the development rules and  
17       policies of the relevant development district. In making its  
18       finding pursuant to this subsection, the authority shall  
19       [~~consider:~~

20       ~~(1) The extent to which the~~ find that:

21       (1) The proposed project:



- 1 (A) Advances the goals, policies, and objectives of  
2 the applicable district plan;
- 3 (B) Protects, preserves, or enhances desirable  
4 neighborhood characteristics through compliance  
5 with the standards and guidelines of the  
6 applicable district rules;
- 7 (C) Avoids a substantially adverse effect on  
8 surrounding land uses through compatibility with  
9 the existing and planned land use character of  
10 the surrounding area; ~~and~~
- 11 (D) Provides housing opportunities for all income  
12 groups, particularly low, moderate, and other  
13 qualified income groups; and
- 14 (E) Addresses concerns expressed by community  
15 residents and stakeholders; and
- 16 (2) ~~[The impact of the proposed project on the following~~  
17 ~~areas of urban design, as applicable:]~~ There are no  
18 negative impacts on:
- 19 (A) Pedestrian oriented development, including  
20 complete streets design;



1 (B) Transit oriented development, including rail,  
2 bus, and other modes of rapid transit; [and]

3 (C) Community amenities such as gathering places,  
4 community centers, culture and arts facilities,  
5 and the full array of public facilities normally  
6 provided by the public sector;

7 [~~(3)~~] ~~The impact of the proposed project on the following~~  
8 ~~areas of state concern:~~

9 [~~(A)~~] (D) Preservation of important natural systems or  
10 habitats;

11 [~~(B)~~] (E) Maintenance of valued cultural, historical,  
12 or natural resources;

13 [~~(C)~~] (F) Maintenance of other resources relevant to  
14 the State's economy;

15 [~~(D)~~] (G) Commitment of state funds and resources;

16 [~~(E)~~] (H) Employment opportunities and economic  
17 development; and

18 [~~(F)~~] (I) Maintenance and improvement of the quality  
19 of educational programs and services provided by  
20 schools[+]



~~(4) The representations and commitments made by the developer in the permit application process]."~~

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect on July 1, 2015.

INTRODUCED BY: Shannon Chun Caplan



**Report Title:**

Hawaii Community Development Authority; Public Hearings;  
Contested Cases

**Description:**

Adds a definition for "contested case". Amends the deadline to intervene in a proceeding to accept a developer's proposal to thirty days after the first public hearing on a developer's proposal. Requires HCDA to make certain findings on the proposed project and its impacts, including concerns expressed by community residents and stakeholders, in order to approve the proposed development. Requires developers to abide by all representations and commitments made in the permit application process.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

